



S-313
online

ORDINANCE NUMBER 2710

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AS HERETOFORE AMENDED; SO AS TO GRANT A SPECIFIC USE PERMIT FOR A MASSAGE ESTABLISHMENT LOCATED AT 14225 INWOOD ROAD AND WITHIN THE PLANNED DEVELOPMENT NUMBER 27 (PD-27) ZONING DISTRICT; PROVIDING FOR CONDITIONS OF OPERATION; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS; PROVIDING FOR INJUNCTIVE RELIEF; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Farmers Branch deems it necessary, for the purpose of promoting the health, safety, morals, or general welfare of the City to enact a new zoning ordinance; and

WHEREAS, the City Council has appointed a Planning and Zoning Commission to recommend the boundaries of the various original zoning districts and appropriate regulations be enforced therein and to recommend a new zoning ordinance to amend the Comprehensive Zoning Ordinance; and

WHEREAS, the Planning and Zoning Commission has divided the City into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health, general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and

WHEREAS, the Planning and Zoning Commission, has given reasonable consideration, among other things, the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City; and

WHEREAS, the Planning and Zoning Commission of the City of Farmers Branch and the City of Farmers Branch City Council, in compliance with the Charter of the City of Farmers Branch, and state law with reference to the granting of changes to the zoning classifications under the Zoning Ordinance Regulations and Zoning Map, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, and to the persons interested and situated in the affected area and in the vicinity thereof, the City of Farmers Branch City Council is of the opinion that due to a change in condition and in order to protect the public health, welfare and safety, said change in zoning should be made;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS:

SECTION 1. That all matters stated in the preamble are found to be true and correct and are incorporated herein as if copied in their entirety.

SECTION 2. That the Comprehensive Zoning Ordinance of the City of Farmers Branch, Texas, be, and the same is hereby amended, by amending the Zoning Map of the City of Farmers Branch so as to grant a Specific Use Permit for a massage establishment, as herein defined, on a 1.8693 acre tract of land described in Exhibit "A", commonly known as 14225 Inwood Road and located within the Planned Development No. Twenty Seven (PD-27) zoning district.

SECTION 3. That the term "massage establishment" shall mean any place of business where manipulative massage or manipulated exercises are practiced upon the human body for consideration whether with or without the use of mechanical therapeutic or bathing devices, in a State of Texas licensed hospital by a duly licensed physician or chiropractor; by a duly licensed beautician or barber in a licensed beauty shop or barber shop; in an establishment wherein State of Texas registered physical therapists treat only patients recommended by a licensed physician and operate under such physician's direction or any registered massage establishment under Texas Revised Civil Statute Annotated, Article 4512K.

SECTION 4. That no person, other than those duly licensed by the State of Texas shall practice massage at this location.

SECTION 5. That no section, paragraph, subdivision, clause, phrase, provision of this ordinance in any way, grants any entity whatsoever, the right to establish or operate a sexually oriented business of any type as so defined in the City of Farmers Branch Ordinance No. 2359 or its future equivalent.

SECTION 6. That the massage establishment shall be located and specifically operated in accordance with the approved site plan attached as Exhibit "B" and subject to the parameters listed in the Plan of Operation attached as Exhibit "C".

SECTION 7. That the tract of land described in Exhibit "A" shall be used only in the manner and for the purpose provided by the Comprehensive Zoning Ordinance of the City of Farmers Branch as heretofore and hereafter amended, and as amended herein.

SECTION 8. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Farmers Branch, and upon convictions shall be punishable by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each and every day the offense occurs.

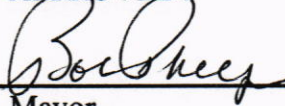
SECTION 9. If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

SECTION 10. In addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.

SECTION 11. This ordinance shall take effect immediately from and after its passage and publication of the caption of said ordinance, and as the law in such case provides.

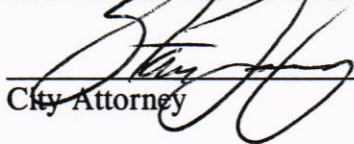
**DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS
BRANCH, TEXAS, on this the 17th day of February, 2003.**

APPROVED:



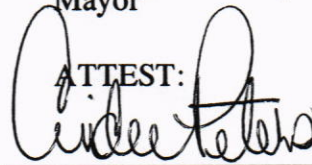
Mayor

APPROVED AS TO FORM:



City Attorney

ATTEST:



City Secretary

OWNER'S CERTIFICATE

STATE OF TEXAS :
COUNTY OF DALLAS :
WHEREAS, Karl J. Amelang, Robert A. Hall and the City of Farmers Branch are the ^{Sole} owners of a tract of land situated in the Josiah Pancost Survey Abstract No. 1146 in the City of Farmers Branch, Dallas County, Texas and being more particularly described as follows:

BEGINNING at the intersection of the North line of Arborview Rd. (28 ft. R.O.W.) and the West line of Inwood Road (80 ft. R.O.W.); Thence North 17° 15' West along the West line of said Inwood Road a distance of 152.00 ft. to the Point of Beginning;
THENCE South 88° 30' 02" West a distance of 301.20 ft. to a point for a corner;
THENCE North 0° 23' 05" West a distance of 325.22 ft. to a point for a corner;
THENCE North 89° 29' 22" East a distance of 202.85 ft. to a point for a corner;
THENCE South 17° 28' 11" East along the West line of said Inwood Road a distance of 334.57 ft. to the Point of Beginning and containing 1.8693 Acres (81,425 sq. ft.) of land.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:
That Karl J. Amelang, Robert A. Hall and the City of Farmers Branch does hereby adopt this plat designating the herein above described property as M. C. Subdivision Phase II in addition to the City of Farmers Branch, Dallas County, Texas. We do hereby dedicate to the public use forever the streets shown thereon. All public utilities shall at all times have the full right of ingress and egress to or from and upon said easements for the purposes of constructing, reconstructing, inspecting, patrolling, maintaining and adding to or removing all or parts of its respective systems without the necessity at any time of procuring the permission of anyone. (Any public utility shall have the right of ingress and egress to private property for the purpose of reading meters and any maintenance and service required or ordinarily performed by that utility.)

This plat approved subject to all platting ordinances, rules, regulations and resolutions of the City of Farmers Branch, Texas.

WITNESS our hands at Farmers Branch, Texas this the _____ day of _____, 1980.

Karl J. Amelang Robert A. Hall
Karl J. Amelang Robert A. Hall
Mayor, City of Farmers Branch

STATE OF TEXAS :
COUNTY OF DALLAS :
BEFORE ME, the undersigned a Notary Public in and for said County and State, on this day personally appeared Karl J. Amelang known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations and in the capacity therein expressed.
GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 10th day of September, 1980.

John D. Zerk

Plan of Operation

Allied Health Center is currently the home to professionals from many walks of the healing arts. The variety of practitioners includes and, is not limited to, Chiropractic care, Acupuncture, Colon Therapy and Massage Therapy. The therapy provided by these practitioners alleviates pain and stress as well as chronic illnesses facilitating the natural physiological process the body goes through to ensure healthy functioning.

Massage therapy specifically compliments Chiropractic and Acupuncture care after the areas of pain are analyzed. The practitioner utilizes therapeutic massage techniques to rid the area of tension, relax muscles, stimulate the nervous system, and increase blood flow allowing the body to flush various acids and metabolic wastes quicker.

By applying therapeutic strokes, the Massage Therapist is able to release patterns of tension the fiber routinely store, encouraging the muscles itself to operate at full capacity.

Allied Health Center and its current 8 practitioners keep hours of Mon.-Fri. 8:00am-6:00pm, Sat. 8:00am-5:00pm. Outside of these hours, appointments are taken based on severity of need.

The petitioner wishes to expand a quality practice built on skill and reputation and continue to promote enormous benefit to the community.

Exhibit "C"

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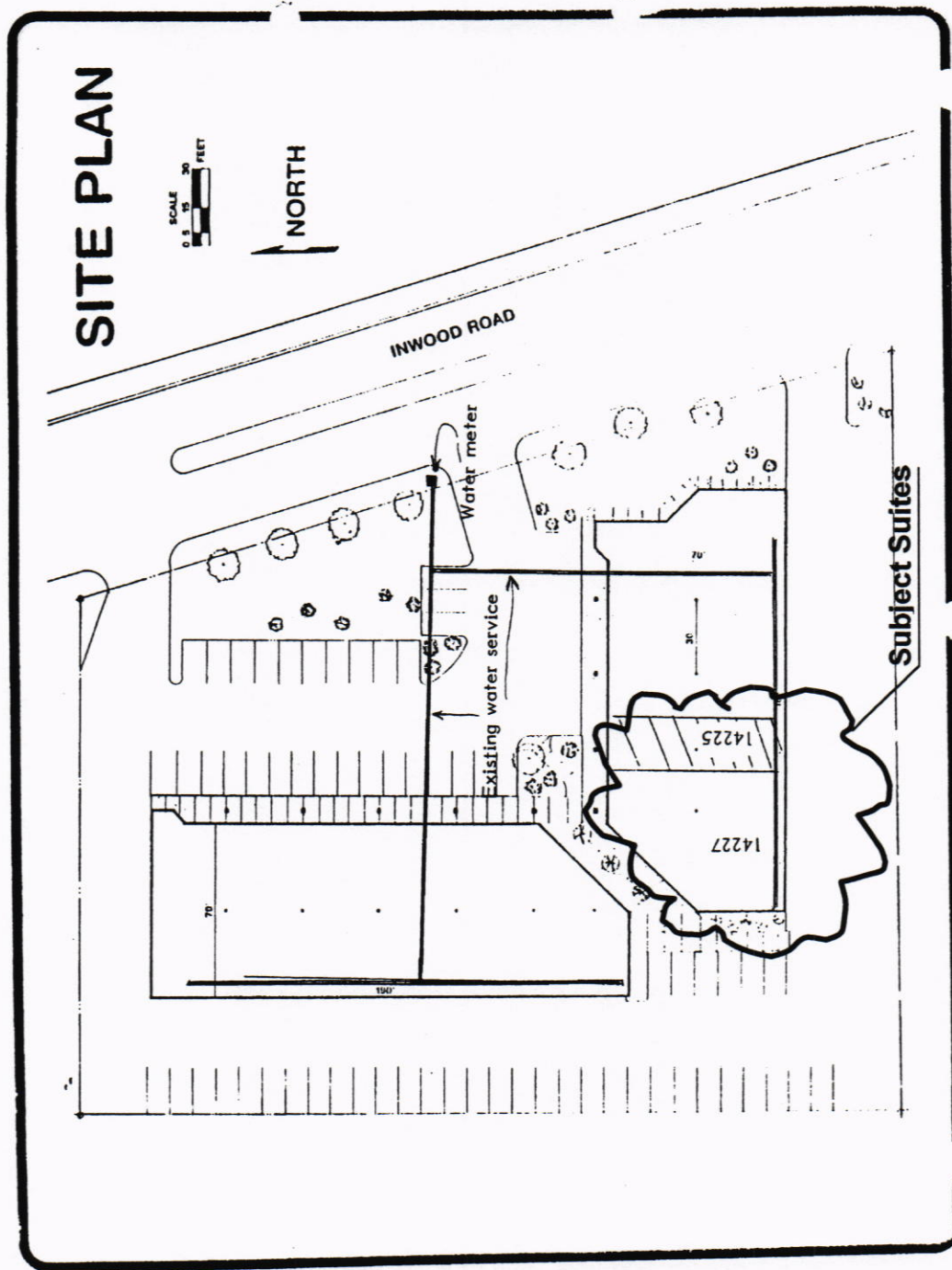


Exhibit "B"